

**MINUTE OF MEETING of the
CLACKMANNANSHIRE COUNCIL held
within the Council Chamber, Greenfield,
Alloa, on THURSDAY 12TH MARCH 2009.**

PRESENT

**Provost Derek Stewart (Chair)
Councillor Donald Balsillie
Councillor John Biggam
Councillor Janet Cadenhead
Councillor Alastair Campbell
Councillor Eddie Carrick
Councillor Kenneth Earle
Councillor Irene Hamilton
Councillor Craig Holden
Councillor George Matchett QPM
Councillor Walter McAdam MBE (From Item 5)
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Tina Murphy
Councillor Reverend Sam Ovens
Councillor Janis Paterson
Councillor Gary Womersley**

IN ATTENDANCE

**Angela Leitch, Chief Executive
Grahame Blair, Director of Services to
People
Garry Dallas, Director of Development and
Environmental Services
Peter J Broadfoot, Head of Administration
and Legal Services (Clerk to the Council)
Deirdre Cilliers, Head of Social Services
John Gillespie, Head of Housing, Benefit
and Advice Services
Jim Goodall, Head Education and
Community Services
Elaine McPherson, Head of Strategic Policy
Muir Wilson, Head of Finance
Jim Burke, Senior Manager, Services to
People
Kenny Hutton, Service Manager, Strategic
Housing Services
Sara Lovelock, Quality Improvement
Service Manager, Child Protection
Clare Hebbert, Policy Officer, Adult Care**

The Provost issued a warning to all Members regarding conduct at meetings.

CC.220 APOLOGIES

Apologies for absence were received from Councillor English.

CC.221 DECLARATIONS OF INTEREST

There were no declarations of interest.

CC.222 MINUTE OF MEETING HELD ON 29TH JANUARY 2009

There was submitted a minute of the meeting held on Thursday 29th January 2009, a copy of which had been circulated previously to each Member.

The minute of the meeting held on Thursday 29th January 2009 was accepted as a correct record and signed by the Provost.

CC.223 CARE COMMISSION INSPECTION OF WOODSIDE RESIDENTIAL UNIT FOR CHILDREN UNDERTAKEN ON 5TH DECEMBER 2008

There was submitted a report by Deirdre Cilliers, Head of Social Services, a copy of which had been circulated previously to each Member.

Councillor Ovens moved the recommendation as set out in the report. Seconded by Councillor Matchett.

The Council unanimously agreed to acknowledge the excellent practice of the Woodside Children's Unit and all the staff and children without whose efforts this excellent inspection report and outcomes would not have been achieved.

Councillor McAdam joined the meeting during debate on the following item.

Councillor McAdam asked if it was possible to start the Council Meetings at 9.45 am to accommodate family arrangements. The Provost agreed to investigate the options.

CC.224 HOUSING SUPPORT TEAM - CARE COMMISSION INSPECTION

There was submitted a report by Wilson Lees, Homelessness, Supporting People and Advice Manager, a copy of which had been circulated previously to each Member.

Councillor Rev. Ovens moved that Council note the report and congratulate the staff involved. Seconded by Councillor Matchett.

The Council unanimously agreed to note the report and congratulate the staff involved.

CC.225 HMI INSPECTION OF EDUCATION (HMIe) JOINT INSPECTION OF SERVICES TO PROTECT CHILDREN: INTERIM FOLLOW THROUGH INSPECTION REPORT, 5TH FEBRUARY 2009

There was submitted a report by Sara Lovelock, Quality Improvement Service Manager, Child Protection, a copy of which had been circulated previously to each Member.

Councillor Rev. Ovens moved that the Council note the HIME Joint Inspection of Services to Protect Children: Interim Follow Through Inspection Report, 5th February 2009. Seconded by Councillor Matchett.

The Council unanimously agreed to note the HIME Joint Inspection of Services to Protect Children: Interim Follow Through Inspection Report, 5th February 2009.

CC.226 INTEGRATED CHILDREN AND YOUNG PERSONS PLAN 2008-2010

There was submitted a report by Jim Goodall, Head of Education and Community Services, a copy of which had been circulated previously to each Member.

Councillor Matchett moved that Council adopt the 2008-2010 Integrated Children and Young Persons Plan. Seconded by Councillor Rev. Ovens.

The Council unanimously agreed to adopt the 2008-2010 Integrated Children and Young Persons Plan.

CC.227 FORTH VALLEY JOINT COMMISSIONING FRAMEWORK: SERVICES FOR OLDER PEOPLE

There was submitted a report by Clare Hebbert, Policy Officer, Adult Care, a copy of which had been circulated previously to each Member.

Councillor Rev. Ovens moved the recommendations as set out in the report. Seconded by Councillor Matchett.

The Council unanimously agreed to endorse the proposed framework for joint commissioning of services for older people and adopts it as a process for joint commissioning health and social care services across Forth Valley; and approved the extension of the framework to other adult care groups where applicable.

Action: Grahame Blair, Director of Services to People

CC.228 CLOSURE OF FAIRFIELD SCHOOL

There was submitted a report by Jim Goodall, Head of Education and Community Services, a copy of which had been circulated previously to each Member.

Councillor Matchett moved that the Council approve the closure of Fairfield School.
Seconded by Councillor Rev. Ovens.

The Council unanimously agreed to approve the closure of Fairfield School.

Action: Grahame Blair, Director of Services to People

CC.229 BOWMAR REGENERATION DEVELOPMENT FRAMEWORK

There was submitted a report by Kenny Hutton, Strategic Housing Services Manager, a copy of which had been circulated previously to each Member.

Councillor Rev. Ovens moved the recommendations as set out in the report.
Seconded by Councillor Earle.

The Council unanimously agreed to:

- Give in principle approval for the Development Framework.;
- Instruct the Head of Housing to complete an implementation plan, including confirmation of consultation with affected residents, stakeholders and community representatives;
- Instruct the Head of Housing to secure the necessary Ministerial consent for the selective demolition of 15 properties in the Island Courts;
- Instruct the Head of Housing to seek the approval of Scottish Ministers to refuse a Right to Buy application for those properties identified for demolition;
- Exercise its powers within the Allocations Policy to prioritise those tenants affected by proposed demolitions, for nomination and rehousing;
- Agree to Home Loss and Disturbance payments being made to tenants in line with legislative requirements and with previous demolitions at Newmills and Ash Grove;
- Agree that planned capital works be suspended for properties selected for demolition within the Island Courts, whilst ensuring that complementary investment for retained properties adds to the improvement of the area;
- Instruct the Head of Housing to submit a future paper to Council confirming the position for the future of properties in Earn Court and Pine Grove;
- Instruct the Head of Housing, in partnership with Ochil View Housing Association, to pursue the most effective procurement options for implementing the Development Framework; and
- Consider the Development Framework a material consideration in terms of the Town and Country Planning (Scotland) Act 1997, for any relevant planning submission in the Bowmar area.

Action: Grahame Blair, Director of Services to People

CC.230 FINAL DRAFT SINGLE OUTCOME AGREEMENT 2009-10

There was submitted a report by Elaine McPherson, Head of Strategic Policy, a copy of which had been circulated previously to each Member.

Councillor Cadenhead moved the recommendations as set out in the report. Seconded by Councillor Earle.

The Council agreed to:

- Approve the final draft Single Outcome Agreement;
- Note that other statutory partners will be formally considering the Single Outcome Agreement in the coming months; and
- Notes the recent good practice advice note on governance and accountabilities of Single Outcome Agreements.

Action: Angela Leitch, Chief Executive

CC.231 ALLOA TOWN CENTRE REGENERATION: SPIERS CENTRE

There was submitted a report by Ninian Somerville, Development and Environmental Services, Dave Jones, former Chief Executive and Angela Leitch, current Chief Executive.

Councillor Cadenhead moved that the Council now approved Option (c) and allows officers to investigate and progress the most effective design within the approved Capital Programme budget. Seconded by Councillor Carrick.

Amendment

"It is recommended that in the light of the recent announcement by John Swinney of £60 Million available for Town Centre regeneration that:-

1. The Council revisit the detailed proposals by Malcolm Fraser Architects to create an iconic refurbishment and new extension to the Speirs Centre creating a museum, Library, Performance space/ theatre (120 seats), Archive, Offices, Storage, cafe, toilets and shop and that these proposals form the basis of any funding bids.
2. A steering group consisting of cross party elected members, officers (e.g.-Dev/ economic service, Cultural Service, Leisure Service, Museum Officer, Grants officer),Stakeholders (e.g. STDT, Gymnastic Club, BID) be established to take proposals forward in the context of issues raised in paragraph 5.1 of the report as well as the identified need to be a key element of any leisure and cultural Strategy.

The steering group to ensure final proposals are endorsed by full Council.

3. That detailed consultation and liaison is undertaken with existing users of the Speirs Centre to ensure their future accommodation needs either within a redeveloped Speirs Centre or alternative accommodation is secure.
4. A design competition is considered for the elevation of the new building facing towards Alloa Station."

Moved by Councillor Balsillie. Seconded by Councillor Paterson.

Councillor McAdam queried the extent of the consultation with the Gymnastics Club, given that they would have to compete for space at the Alva centre. The Provost advised that he would ask the appropriate officer to clarify and report back to the next Council Meeting.

The amendment was carried by 9 votes to 8. Accordingly, on a division, the Council agreed the amendment.

Action: Angela Leitch, Chief Executive

At 12.50 pm, Members called for the meeting to be adjourned for lunch. The Provost declined, but agreed to a 10 minute comfort break.

The meeting reconvened at 1.00 pm.

**CC.232 APPOINTMENT OF AN ELECTED MEMBER
REPRESENTATIVE TO CLACKMANNANSHIRE SPORTS
COUNCIL**

There was submitted a report by Eileen McKinsley, Administration and Legal Services.

Councillor McGill moved that a member of the SNP Group takes up the position on the Clackmannanshire Sports Council. Seconded by Councillor Earle.

The Leader of the SNP Group advised Councillor McAdam would like to take up the position on the Clackmannanshire Sports Council.

The Council agreed unanimously that Councillor McAdam is appointed as the elected member representative to the Clackmannanshire Sports Council.

Action: Angela Leitch, Chief Executive

CC.233 CLACKMANNAN ROAD CAR PARK

There was submitted a report by Ruth Amos, Property Services, a copy of which had been circulated previously to each Member.

Councillor Carrick moved the recommendations as set out in the report. Seconded by Councillor Balsillie.

The Council agreed unanimously to approve the sale of its portion of the Car Park site subject to a purchase price of £10,000 (excluding VAT); and incorporates a claw back provision within any sale agreement such as to provide an additional capital receipt, should the site be redeveloped in the future for an alternative use; and retains the area of soft landscaping land currently holding small trees and shrubs, which runs along the south boundary of the car park at Clackmannan Road.

Action: Angela Leitch, Chief Executive

CC.234 B9140 - COLLYLANDS ROUNDABOUT TO GLENOCHIL - ROAD REALIGNMENT - REQUEST FOR EXCEPTION TO CONTRACT STANDING ORDERS

The Chief Executive asked members to defer a decision on this report until the next Council meeting to allow her to give further consideration to the report.

The Council agreed to defer the report until the next meeting of the Council on the 23rd April 2009.

**Action: Angela Leitch, Chief Executive /
Garry Dallas, Director of Development and Environmental Services**

CC.235 NOTICE OF MOTION IN TERMS OF STANDING ORDER 31 - KEITH BROWN, MSP, MINISTER FOR SCHOOLS AND SKILLS

There was submitted a Motion by Councillor Donald Balsillie, a copy of which had been circulated previously to each Member.

Councillor Balsillie moved that:

"Clackmannanshire Council congratulates Keith Brown, the MSP for Ochil in his new appointment as Minister for Schools and Skills.

Clackmannanshire Council to invite him to the official openings of our new Secondary Schools, and to officially open one of them."

Seconded by Councillor Paterson.

During the debate, Councillor McAdam moved that the matter be put to the vote. Councillor McAdam's procedural motion was seconded by Councillor Balsillie. The Provost refused to accept this procedural motion and the debate continued.

Councillor Holden asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 17 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the motion:

Councillors McAdam, Paterson, Womersley, Hamilton, Balsillie, Murphy, Biggam and Holden (8)

Against the motion:

Provost Stewart, Councillors Matchett, Rev. Ovens, McLaren, Earle, McGill, Cadenhead, Carrick and Campbell (9)

Councillor Balsillie's motion was defeated by 9 votes to 8.

**CC.236 NOTICE OF MOTION IN TERMS OF STANDING ORDER 31 -
ALLOA TOWN CENTRE TRADERS AND BUSINESSES - SP
ENERGY NETWORK**

There was submitted a Motion by Councillor Donald Balsillie, a copy of which had been circulated previously to each Member.

Councillor Balsillie moved that:

"The Chief Executive writes a letter signed by all elected members to SP Energy Network requesting that given the extent of inconvenience and disruption to Alloa Town Centre Traders and Businesses that they reconsider their goodwill customer service payment of £100 per business with a view to significantly enhancing this payment.

It is further moved that the Director of Development & Environmental Services meets with the Zone Leader Central Zone to seek to ensure that such an occurrence is unlikely to occur again in Alloa Town Centre and that it has a reliable supply of electricity in the future, particularly during the busy festive season. The Director of Development & Environmental Services to prepare a report to Council on the outcome of these discussions and proposed actions."

Seconded by Councillor Paterson.

The Council agreed unanimously to support Councillor Balsillie's motion.

Action: Angela Leitch, Chief Executive

Councillor Cadenhead moved to take the undernoted item of business in public.
Seconded by Councillor McGill.

The Council resolved in terms of Section 50(A) of the Local Government (Scotland) Act, 1973, that the press and public should not be excluded from the meeting during consideration of the following item of business.

CC.237 REMEDIATION OF CONTAMINATED LAND

There was submitted a report by Peter J Broadfoot, Head of Administration and Legal Services, a copy of which had been circulated previously to each Member.

Councillor Cadenhead moved that the Council:

- Note the progress in arranging for the remediation of contaminated land at the former Alva Gasworks;
- Agree that the Council in full knowledge of costs involved proceed with the remediation of the contaminated land as approved at the Council meeting on 19th June 2008
- Agree that the remediation of the additional area of land at 5 Woodburn Way, Alva be subject to the Council obtaining a Standard Security over the property sufficient to cover the full cost of the remediation. If this cannot be negotiated the Council will not be involved in remediation; and
- Agree that if any formal Agreement or Standard Security is required from the owners, it be delegated to the Head of Administration and Legal Services to agree the terms of such an Agreement or Standard Security.

Seconded by Councillor Carrick.

Amendment

It is recommended that Council

1. Proceeds with the remediation of contaminated land associated with the former Alva Gas site including the additional area of land at the rear of 5 Woodburn Way.
2. Agrees option 2.3(a) put forward by the owners that a standard security of £10,000 is placed on their property. The terms of which to be approved by the Head of Administration and legal Services.

Moved by Councillor Balsillie. Seconded by Councillor Paterson.

Councillor Holden asked for a roll call vote on the amendment. The Council agreed that a vote be taken by calling the roll and at this stage there were 17 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the amendment:

Councillors McAdam, Paterson, Womersley, Hamilton, Balsillie, Murphy, Biggam and Holden (8)

Against the amendment:

Provost Stewart, Councillors Matchett, Rev. Ovens, McLaren, Earle, McGill, Cadenhead, Carrick and Campbell (9)

Councillor Balsillie's amendment was defeated by 9 votes to 8.

Councillor Holden asked for a roll call vote on the motion. The Council agreed that a vote be taken by calling the roll and at this stage there were 17 Members present who were eligible to vote. On the roll being called the Members present voted as follows:

For the motion:

Provost Stewart, Councillors Matchett, Rev. Ovens, McLaren, Earle, McGill, Cadenhead, Carrick and Campbell (9)

Against the motion:

Councillors McAdam, Paterson, Womersley, Hamilton, Balsillie, Murphy, Biggam and Holden (8)

The motion was carried by 9 votes to 8. Accordingly, on a division, the Council agreed:

- To note the progress in arranging for the remediation of contaminated land at the former Alva Gasworks;
- That the Council in full knowledge of costs involved proceed with the remediation of the contaminated land as approved at the Council meeting on 19th June 2008;
- That the remediation of the additional area of land at 5 Woodburn Way, Alva be subject to the Council obtaining a Standard Security over the property sufficient to cover the full cost of the remediation. If this cannot be negotiated the Council will not be involved in remediation; and
- That if any formal Agreement or Standard Security is required from the owners, it be delegated to the Head of Administration and Legal Services to agree the terms of such an Agreement or Standard Security.

Action: Angela Leitch, Chief Executive

The Council meeting concluded at 2.40 pm